

February 13, 2012  
Case # 1:10-CV-00457-GLS-RFT

Honorable David R. Homer  
U S Magistrate Judge  
445 Broadway  
Room 411  
Albany, NY 12207

**RECEIVED**  
FEB 17 2012

*Re 10cv457*

DAVID R. HOMER  
UNITED STATE MAGISTRATE JUDGE

The situation with McGinn and Smith is out of control. I have the same feelings as a letter from Lesley Levy. McGinn & Smith have been defrauding people for almost 10 years. I invested in 2009 and the Securities & Exchange Commission knew then that they were defrauding people.

Now they have been inducted, Big Deal! They are still free to enjoy all their wealth. Are they selling their Orchid Island Home worth \$145,445 or Country Club Membership in Loudonville NY worth \$57,928 or Home in Saratoga Springs NY worth \$86,334 or Watersville Golf Link, Ring Of Kerry, Ireland. They brought all this with the VICTIMS money, we really own these assets. Plus any other asset of cash, stocks, bonds etc.

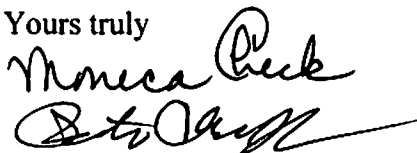
I can't afford to golf at a local course for \$25.00. They have my \$100,000 so we struggle to pay our bills and feed ourselves while they enjoy luxury. You allowed money for Receiver, lawyers etc. Were do we fit in to be paid?

McGinn & Smith should be in jail NO FRILLS. Told when to eat, sleep and use the facilities. Their assets, or are they mine, should be sold and the profits distributed to the VICTIMS. Start at the bottom and go up, the top has more money then the little people. They and their family should all suffer as we are. Their family can live in poverty just like they forced us the VICTIMS to do!

There was a Whistle Blow starting in 2003 and it was ignored and again 2006 by Paul Zindel why wasn't a Red Flag put up against them. They were allowed to continue to defraud.

I know you yourself will not answer this but just having it published on the website for all VICTIMS to see is some satisfaction.

Yours truly



Monica & Peter Check Jr.  
Englewood, Fl

CC. William J. Brown, Esq.  
David Stoelting SEC

**RECEIVED**  
FEB 06 2012

Honorable David R. Homer  
U.S. Magistrate Judge  
445 Broadway  
Room 411  
Albany, NY 12207

DAVID R. HOMER  
UNITED STATE MAGISTRATE JUDGE  
ALBANY, NEW YORK

January 18<sup>th</sup>, 2012.

Dear Judge Homer:

Re: 10cv457

It is now January 18<sup>th</sup> 2012 and if I may take the liberty of speaking for all the **DEFRAUDED INVESTORS** of the McGinn Smith case, we are out of patience. This letter is not intended to be "politically correct" It is intended to be blunt and to the point.

The last posting I read on the receiver's website - once again, **REQUESTED REIMBURSEMENT** from Scott J. Ely, Esq. of Featherstonehaugh, Wiley & Clyne LLP.

The request for reimbursement of expenses from the various parties, mainly attorneys and the Receiver continues to erode what little monies are left for the **VICTIMS**. WE are in the true sense of the word **VICTIMS**. WE are the men and women who have had our lives turned upside down and in many instances have had our life savings **STOLEN**. Additionally many of us paid taxes on those monies, so we are hit twice. Now we are being bludgeoned with continuous requests for full reimbursement of expenses, which would emanate from the continuously shrinking recovery pot. In my opinion all the outstretched hands in this case are so full of **GREED** that they have lost sight as to who the true **VICTIMS ARE** and cannot for one moment have any comprehension of how to live life without. Not once in any request for reimbursement has there been consideration to the discounting of fees due to this tragedy. All these requests ensure their bills are paid immediately at top dollar in order to fill their own pockets. In my mind they are no less **GREEDY** than the McGinn Smith thieves who stole our money in the first place. The word **VICTIM** means a person who is tricked, swindled or taken advantage of. I believe we fall under all three categories.

Many victims have written to Congressman Chris Gibson, Senator Charles Schumer and Senator Kirsten Gillibrand. Not one of them had the courtesy to respond. Is it perhaps that in the real world, the McGinn Smith defrauded investors are not viewed as high profile citizens, albeit we are tax payers? I would further like to direct this point to the SEC and SIPC: Are we, the McGinn Smith **VICTIMS**, any less worthy of restitution from SIPC because we are not on the level of the **VIP's** as in the Madoff case or the Stanford case?


There have been repeated requests by the **VICTIMS** urging the SEC to bring a strong case to SIPC for " **FULL**" restitution. Unless this happens we will forever remain **VICTIMS** having our lives destroyed by white collars thieves while all the receiving

**parties, including those mentioned above, run off into the sunset with their wallets full at our expense..... and thus there will be no justice served.  
We are defrauded citizens who deserve to be represented at the very highest level in order to have SIPC make full restitution.**

**Respectfully,**

**Lesley Levy  
917 -992-0125.**

**cc Mr. David Stoeiting: [stoeitingd@sec.gov](mailto:stoeitingd@sec.gov)  
cc William J. Brown Esq. [wbrown@phillipslytle.com](mailto:wbrown@phillipslytle.com): [www.mcginnsmithreceiver.com](http://www.mcginnsmithreceiver.com)  
cc.Congressman Chris Gibson: 502 Cannon HOB, Washington DC 20515  
cc.Senator Charles E. Schumer: 780 3<sup>rd</sup> Ave. Suite 2301, New York, N.Y. 10017  
cc.Senator Kristin Gillibran: 780 3<sup>rd</sup> Ave. Suite 2601, New York, N.Y. 10017  
cc.Brendan Lyons - Times Union [blyons@timesunion.com](mailto:blyons@timesunion.com)**



February 13, 2012

*CASE No - 1:10 - CV - 00457 - GLS - RFT*

William J. Brown Esq.  
Receiver  
3400 HSBC Center  
Buffalo, NY 14203

Dear Mr. Brown:

What actions are next for McGinn & Smith? They are out on bail enjoying my money.

Are you liquidating all their assets, even those they probably put in other peoples name to avoid liquidation?

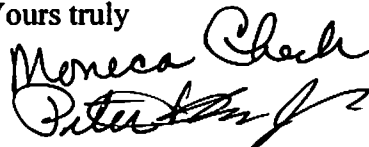
Their homes and country clubs in Florida, New York and Ireland are they still being enjoyed by them and their family?

I can't afford to golf or shop at Wal-Mart because they stole my money.

Please reimburse from the bottom of the list first. We the victims at the bottom suffered the most because that was our life savings that they promised we would get great return of income.

They belong in jail, Told when to eat, sleep and use the facilities. Their fortune liquidated, if this means their family is left in poverty so are we the Victims.

Yours truly

The image shows two handwritten signatures in black ink. The first signature is 'Monica Check' and the second is 'Peter Check Jr.'.

Monica & Peter Check Jr.

CC: Honorable David R. Homer  
David Stoelting SEC

February 13, 2012

David Stoelting  
Securities & Exchange Commission  
3 World Financial Center  
Room 400  
New York, NY 10281

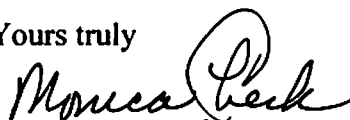
Dear Mr. Stoelting:

The whistle blowing on McGinn & Smith started in Dec 2005 with Robert Gilbert of Aiken, SC with the Financial Industry Regulatory Authority (FINRA) then Paul Zindell of San Diego, CA in 2006 with the SEC. The New York Attorney General was also contacted. Whose fault SEC, FINRA or New York Attorney General. Did no one listen? Did no one care or did no one do their job? No Red Flags were attached to McGinn & Smith because it that was the case then when I invested in 2009 it should have come up that this company was under investigation.

The whistle blowers complaint all were ignored. Is this what the VICTIMS can expect?

No more dragging your feet, no more delay in paying the VICTIMS. ACT NOW! Give us our money back! I am sure all the VICTIMS would like to know what's next. No more paying lawyers & etc. Pay the VICTIMS.

Yours truly



Monica & Peter Check JR.

CC: Honorable David R. Homer  
William J. Brown, ESQ.